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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/534,824	03/23/2000	Christopher J. Edge	10128US01 (EKC 90048)	9982
1333	7590	01/17/2006	EXAMINER	
BETH READ PATENT LEGAL STAFF EASTMAN KODAK COMPANY 343 STATE STREET ROCHESTER, NY 14650-2201			SMITH, PETER J	
			ART UNIT	PAPER NUMBER
			2176	
DATE MAILED: 01/17/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b>	<b>Application No.</b> 09/534,824	<b>Applicant(s)</b> EDGE ET AL.	
	<b>Examiner</b> Peter J. Smith	<b>Art Unit</b> 2176	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 15 December 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).


4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: \_\_\_\_\_.
- Claim(s) objected to: \_\_\_\_\_.
- Claim(s) rejected: \_\_\_\_\_.
- Claim(s) withdrawn from consideration: \_\_\_\_\_.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_
13. ☐ Other: \_\_\_\_\_.

  
**WILLIAM BASHORE**  
**PRIMARY EXAMINER**  
 1/10/2006

Continuation of 11. does NOT place the application in condition for allowance because: Regarding Applicant's argument that Vyncke and Illustrator do not teach or suggest all of the limitations of claims 1-50, the Examiner respectfully disagrees. Applicant argues that the combination of Vyncke and Illustrator is nonsensical, however the Examiner believes Applicant's argument does not consider that the combination of the teachings of the prior art references does not necessarily equal the individual sum of the prior art references. The Examiner believes Vyncke clearly teaches identifying and replacing PDL commands in col. 2 line 67 - col. 3 line 3. Vyncke teaches that it is desirable to edit the page description command objects instead of the pixel image file in col. 1 lines 56-57. Thus, these are the important teachings utilized by the Examiner in the combination of Vyncke and Illustrator. Illustrator teaches replacing an implicit color command with a set of corresponding explicit color commands in pages 1 and 2. Applicant argues that Illustrator is teaching modifying an implicitly defined object into explicitly defined objects and this does not teach modifying the commands, however the Examiner believes that converting the page objects necessarily modifies the corresponding commands defining those objects. Applicant is arguing that the combination of Vyncke and Illustrator is invalid by trying to pin the teachings of Vyncke to a specifically interpreted embodiment. Vyncke indicates that it teaches identifying PDL commands that have predefined properties that may be undesirable in col. 2 lines 61-63. Vyncke teaches in col. 2 line 67 - col. 3 line 3 that the PDL command can be modified so that the undesirable property is no longer present. The Examiner believes this shows that Vyncke teaches identifying PDL commands with undesirable properties and modifying the commands such that the undesirable properties are eliminated. Therefore, the Examiner believes the Applicant is unfairly limiting the teaching of Vyncke in their interpretation provided in the response. Illustrator provides a specific teaching of converting implicit commands to a set of explicit commands, and provides a clear motivation for doing so. Therefore, the Examiner believes Illustrator provides the teaching and suggestion to modify teachings of Vyncke to create the claimed invention. The combination of Vyncke and Illustrator does not necessarily correspond to specific embodiments of the individual invention of Vyncke. Therefore, the Examiner maintains the rejection of the claims 1-50 as being obvious over a combination of Vyncke and Illustrator.

*William L. Bashore*  
**WILLIAM BASHORE**  
**PRIMARY EXAMINER**  
1/10/2006